

## **EXHIBIT 3**

UNITED STATES DISTRICT COURT

Southern

District of

New York

VIRGIN ENTERPRISES LIMITED,

**SUMMONS IN A CIVIL ACTION**

v.

THOMAS FRANK, VIRGIN-INVESTMENT.  
COM, N.C. SMOL, VIRGIN-AMERICA.COM,  
SECUREWHOIS, INC.,  
VIRGINTRAVELNEWS.COM, JAMES MOY,  
VIRGINHEALTHMILES.COM, DIRECT  
INFORMATION PVT LTD, and  
VIRGINMACAU.COM.

CASE NUMBER:

**07 CV 6234**

TO: (Name and address of Defendant)

Thomas Frank  
EPS-D 711  
7801 N.W. 37th Street  
Miami, FL 33166-6559

**JUDGE PRESKA**

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James W. Dabney, Esq.  
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP  
One New York Plaza  
New York, New York 10004-1980

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

(By) DEPUTY CLERK

**JUL 5 2007**

DATE

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT**  
**Southern District of New York**

Index Number: 07 CV 6234

Date Filed: \_\_\_\_\_

Plaintiff:

**VIRGIN ENTERPRISES LIMITED**

vs.

Defendant:

**THOMAS FRANK, VIRGIN-INVESTMENT.COM N.C. SMOL, VIRGIN-AMERICA.COM, SECUREWHOIS, INC., VIRGINTRAVELNEWS.COM, JAMES MOY, VIRGIN HEALTHMILES.COM, DIRECT INFORMATION PVT LTD, and VIRGINMACAU.COM**

For:

James W. Dabney  
Fried, Frank, Harris, Shriver & Jacobson  
One New York Plaza  
New York, NY 10004-1980

Received by ADVANCED PROCESS SERVICE, INC. on the 11th day of July, 2007 at 1:30 pm to be served on **THOMAS FRANK, 7801 N.W. 37th Street, Miami, FL. 33166-6559.**

I, Martha Dreyer, being duly sworn, depose and say that on the **12th day of July, 2007 at 12:33 pm**, I:

Served a **Suitable Age Person** by delivering and leaving a true copy of the **SUMMONS IN A CIVIL ACTION** with Marina Amador at the within named address, the said premises being the respondent's Mail Clerk/authorized agent within the state of Florida. Deponent completed service by depositing a copy of the writ in a postpaid properly addressed envelope bearing the words "Personal & Confidential" by First Class Mail on 7-26-2007 in an official depository of the U.S.P.S. in the State of Florida.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. Under penalties of perjury, I declare that I have read the forgoing document and that the facts stated in it are true. Dated this 26 day of July, 2007.

No Notary Required pursuant to F.S. 92.525 (2).

Subscribed and Sworn to before me on the 26th day of July, 2007 by the affiant who is personally known to me.

NOTARY PUBLIC



Our Job Serial Number: 2007002050

**ADVANCED PROCESS SERVICE, INC.**  
12555 Biscayne Blvd., #827  
North Miami, FL 33181  
(305) 687-4811